IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4591/2006

KAILASH PRASAD & ORS. Vs. STATE OF RAJASTHAN & ORS.

Date: 20.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. M.L. Sharma for
Mr. H.C. Ganeshia for the petitioners.
Mr. Pankaj Gupta for the respondents.

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The matter comes up on the application under Article 226(3) of the Constitution of India and both the parties are agreed that the matter may be finally heard at this stage.

At the outset, the petitioners submit that they have got alternative remedy and want to avail the same. They also submitted the judgment dated 10.04.2006 passed by the co-ordinate Bench of this Court in *S.B. Civil Writ Petition No. 3768/2005- Smt. Dharamwati Vs. State of Rajasthan & Ors.,* wherein the writ petition has been disposed of as the same is not maintainable with liberty to the petitioner to seek remedy under the provisions of Cr.P.C. 1973 and the interim order granted in favour of the petitioner was ordered to be remain operative for a period of 10 days from the date of passing of the order.

I have considered the rival submissions of the respective parties and have also gone through the aforesaid judgment referred before me.

As the petitioners submitted that they wish to avail alternative remedy under the provisions of Cr.P.C. 1973, the present writ petition stands disposed of as not maintainable with liberty to the petitioners to seek remedy under the provisions of Cr.P.C. 1973. The interim order granted by this Court on 02.06.2006 shall remain in force for a period of 15 days from the date of passing of this order.

Since the writ petition stands disposed of as not maintainable, the application under Article 226(3) of the Constitution of India also stands disposed of as indicated herein above.

(K.S. RATHORE),J.

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